



#5
DMT
2-11-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4331**
Koji YANAI et al. : Docket No. 2001-1611
Serial No. 09/990,385 : Group Art Unit 1652
Filed November 23, 2001 : Examiner R. Hutson

β -FRUCTOFURANOSIDASE AND ITS
GENE, METHOD OF ISOLATING
 β -FRUCTOFURANOSIDASE GENE,
SYSTEM FOR PRODUCING
 β -FRUCTOFURANOSIDASE, AND
 β -FRUCTOFURANOSIDASE VARIANT

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

RECEIVED

FEB 10 2003

RESPONSE TO RESTRICTION REQUIREMENT TECH CENTER 1600/2900

Assistant Commissioner for Patents,
Washington, D.C. 20231

Sir:

In response to the restriction requirement dated January 14, 2003, Applicants hereby provisionally elect the invention of Group I, claims 22-25. It is noted that this election is made by the Applicants while retaining their right to file a Divisional Application directed to the non-elected subject matter with the protection afforded by 35 USC § 121.

Claims 26 and 50-52, directed to non-elected subject matter, remain in the application. It is requested that they be permitted to remain in a dormant condition pending possible rejoinder under *In re Ochiai*, or the filing of a divisional application.

The Examiner accordingly is requested to proceed with an examination on the merits.

Respectfully submitted,

Koji YANAI et al.

By: 

Lee Cheng

Registration No. 40,949

Attorney for Applicants

LC/gtg
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 7, 2003

RECEIVED

FEB 10 2003

TECH CENTER 1600/2900